



**Department of Energy**  
Washington, DC 20585

ELECTRONIC MAIL MESSAGE

Ms. Emma Best  
MuckRock News  
DEPT MR 73596  
411A Highland Avenue  
Somerville, MA 02144  
73596-93556236@requests.muckrock.com

Re: OHA Case No. FIR-19-0005  
Request No. HQ-2019-00938-F

Dear Ms. Best:

This is in response to the request for information that you sent to the Department of Energy (DOE) under the Freedom of Information Act (FOIA), 5 U.S.C. § 552. Your request was assigned to OHA to conduct a search of our files for documents responsive to these three requests:

1. A copy of the agency's first successful FOIA appeal;
2. Copies of other FOIA appeals received by the agency before the appeal described above; and
3. Processing notes, search slips and response documents regarding the FOIA appeals described above.

FOIA Request from Emma Best, MuckRock News (May 27, 2019). OHA conducted its search on May 28, 2019, which is the cut-off date for responsive documents. We searched all of our relevant files for responsive documents.

We are releasing the decisions regarding the first five Appeals processed by the Office of Exceptions and Appeals of the DOE's predecessor agency, the Federal Energy Administration (FEA). We were unable to find any other documents associated with these decisions.

This decision may be appealed within 30 calendar days from your receipt of this letter pursuant to 10 C.F.R. § 1004.8. Appeals should be addressed to Director, Office of Hearings and Appeals, HG-1, L'Enfant Plaza, U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585-1615. The written appeal, including the envelope, must clearly indicate that a FOIA appeal is being made. You may also submit your appeal by e-mail to [OHA.filings@hq.doe.gov](mailto:OHA.filings@hq.doe.gov), including the phrase "Freedom of Information Appeal" in the subject line. The appeal must contain all of the elements required by 10 C.F.R. § 1004.8, including a copy of the determination letter. Thereafter, judicial review will be available to you in the Federal District Court either (1) in the district where you reside, (2) where you have your

principal place of business, (3) where DOE's records are situated, or (4) in the District of Columbia.

If you have any questions about the processing of the request or this letter, please contact Janet R. H. Fishman at OHA at (202) 287-1579, [janet.fishman@hq.doe.gov](mailto:janet.fishman@hq.doe.gov), or by mail at:

Janet R. H. Fishman  
Administrative Judge  
HG-4 /L'Enfant Plaza  
U.S. Department of Energy  
1000 Independence Ave., S.W.  
Washington, DC 20585-1615

Sincerely,

A handwritten signature in black ink, appearing to read 'Neil E. Schuldenfrei', with a long, sweeping horizontal line extending to the right.

Neil E. Schuldenfrei  
Deputy Director  
Office of Hearings and Appeals

Attachments